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Jon Swanson

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EXAMINER

PATEL, CHANDRAHAS B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,198	Applicant(s) SWANSON ET AL.	
	Examiner Chandrabhas Patel	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-13, 15-16, 19-21, 23-24, 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20, 30, 31 is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12, 13, 15, 16, 19, 21, 23, 24, 26-29 and 32 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 5, 6, 8-10, 12, 13 15, 16, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Jang et al. (USPN 6,442,758) and Keller et al. (USPN 7,366,780).

Regarding claim 1, Shaffer teaches a method of communicating at least one primary data stream to a virtual meeting attendee **[Fig. 1A, 15a]** comprising the steps of: monitoring at least one first video data stream being communicated from each of a plurality of virtual meeting standard users to all others of the standard users wherein each of the standard users receives a plurality of the first video data streams **[Fig. 1A, each user receives stream 15a, Four 15a streams are being received are by PCs 12a-12d]**, recognizing at least one primary video data stream from the at least one first video data stream being communicated from each of the plurality of standard users and communicating the at least one primary data stream but not the plurality of first video data streams to at least one virtual meeting primary user **[Fig. 5A, 504]**.

However, Shaffer does not teach continuing to communicate each of the first video data streams from each of the standard users to all others of the standard users

and, wherein communication of the primary video stream to the at least one primary meeting attendee requires less bandwidth than does communication of the plurality of first video streams to each of the standard users.

Jang teaches communicating each of the first video data streams from each of the standard users to all others of the standard users **[Abstract]**. Keller teaches communication of the primary video stream to the at least one primary meeting attendee requires less bandwidth than does communication of the plurality of first video streams to each of the standard users **[Col. 4, lines 49-67, group of users can be selected which will receive set of streams depending on the bandwidth capabilities]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate video streams from each of the users to the other users so that multiple users can communicate with one another **[Col. 2, lines 8-23]** and deliver low bandwidth stream to a primary attendee so that the subset of users can receive data streams according to their bandwidth capabilities **[Col. 5, lines 49-67]**.

Regarding claim 5, Shaffer teaches receiving the plurality of data streams over a first interface **[Fig. 1A, 15a-d]**, and communicating the primary video stream to the primary user is performed using a second interface **[Fig. 1A, 15a going to 12a-d]**.

However, Shaffer does not teach each of the at least one first video data streams from each of the plurality of standard users continue to be communicated to others of the standard users using the first interface.

Jang teaches each of the at least one first video data streams from each of the plurality of standard users continue to be communicated to others of the standard users using the first interface **[Abstract]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate video streams from each of the users to the other users so that multiple users can communicate with one another **[Col. 2, lines 8-23]**.

Regarding claim 6, Shaffer teaches data streams comprise a continuous stream of real-time data contained in discrete packets **[Col. 5, lines 13-19]** communicated across a packet switched network **[Col. 4, lines 1-22]**.

Regarding claim 8, Shaffer teaches each of the plurality of standard users each comprise a virtual meeting attendee **[Fig. 3A, 108-114]**, the method further comprises the steps of: communicating at least one first audio data stream from each of the standard users to all others of the standard users wherein each of the standard users receives a plurality of first audio streams **[Col. 4, lines 38-42]**; and, identifying one or more of the at least one first audio data streams as a primary audio data stream and communicating the primary audio data stream but not plurality of first audio data streams to the primary user **[Col. 2, lines 47-50, dominant callers A/V stream will be delivered to primary user as shown in Fig. 3B, 108 to 110]**.

However, Shaffer does not teach continuing to communicate all of the first audio data streams from each of the standard users to all others of the standard users.

Jang teaches continuing to communicate all of the first audio data streams from each of the standard users to all others of the standard users **[Abstract]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate audio streams from each of the users to the other users so that multiple users can communicate with one another **[Col. 2, lines 8-23]**.

Regarding claim 9, Jang teaches at least one video stream comprises a plurality of video data streams **[Fig. 5]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a plurality of video streams so that summed signal can be sent to the other user **[Col. 5, lines 34-39]**.

Regarding claim 10, Shaffer teaches the step of monitoring the plurality of video data streams between the standard users is performed using one or more standard ports on a network interface **[Fig. 1A, 4 video connections where each connection can be port as applicant describes in the spec submitted in current application, “Those skilled in the art will appreciate that as used herein the term port is intended to be broadly interpreted as a physical or logical destination and/or origination point for communications”]** and wherein the step of communicating the primary video data stream to a virtual meeting primary user is performed using a primary port that is different from the one or more standard ports **[Fig. 3B, 108 communicates with 110]**, the virtual meeting primary user in communication with the primary port simultaneous with the standard users being in communication with the one or more standard ports **[Fig. 3B, 112 and 114 receive Video A]**.

Regarding claim 12, Shaffer teaches receiving a primary selection command, and using the command to recognize at least one primary data stream **[Col. 7, lines 27-31]**.

Regarding claim 13, Shaffer teaches receiving the command from one of the standard users **[Col. 7, lines 27-31]**.

Regarding claim 15, Shaffer teaches receiving at least one continuous video data stream from at least one virtual meeting primary user whereby each of the standard users receive a video data stream from the primary user **[Fig. 3A, MCU receives Video A stream from 108 and communicates the stream to 110-114]**.

However, Shaffer does not teach communicating the continuous video data stream to each of the plurality of virtual meeting standard users and receive the first video data stream from all other of standard users.

Jang teaches communicating the continuous video data stream to each of the plurality of virtual meeting standard users and receive the first video data stream from all other of standard users **[Abstract]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate video streams from each of the users to the other users so that multiple users can communicate with one another **[Col. 2, lines 8-23]**.

Regarding claim 16, Keller teaches identifying the at least one primary user by determining that the bandwidth capacity of the at least one primary user is below that required to receive all of the plurality of first video streams being communicated between the standard users **[Col. 4, lines 49-67]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to identify users who are communicating using low bandwidth so that Low Bit Rate video can be provided to users with low bandwidth **[Col. 4, lines 49-67]**.

Regarding claim 19, Shaffer teaches one primary data stream comprises a plurality of primary data streams **[Fig. 4B, Multicast Video A, Video B]**.

Regarding claim 21, Shaffer teaches a computer program product for communicating one or more primary data streams during a virtual meeting, the computer program product comprising computer readable instructions stored on a computer readable medium, the instructions when executed causing one or more computers **[Col. 4, lines 46-50]** to perform the steps of: communicate a plurality of continuous real-time data streams that include discretely packetized video and audio data between a plurality of standard users **[Fig. 3A, Col. 6, lines 23-27]**; identify a primary subset of the plurality of continuous real-time data streams and to communicate the primary subset to one or more primary users **[Col. 3, lines 36-41]**.

However, Shaffer does not teach each of the standard users receives video and audio data from all others of the standard users; and communication of the primary subset to one or more primary users requires less bandwidth than communication of the plurality of real-time data streams to each of the standard users.

Jang teaches each of the standard users receives real-time video and audio data streams from all others of the standard users **[Abstract]**. Keller teaches communication of the primary subset to one or more primary users requires less

bandwidth than communication of the plurality of real-time data streams to each of the standard users **[Col. 4, lines 49-67, group of users can be selected which will receive set of streams depending on the bandwidth capabilities]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate video streams from each of the users to the other users so that multiple users can communicate with one another **[Col. 2, lines 8-23]** and communicating using low bandwidth so that Low Bit Rate video can be provided to users with low bandwidth **[Col. 4, lines 49-67]**.

4. Claims 3, 4, 7, 23, 24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Jang et al. (USPN 6,442,758) and Keller et al. (USPN 7,366,780) as applied to claim 1 above, and further in view of Ho et al. (USPN 7,151,762).

Regarding claim 3, the references teach a method as discussed in rejection of claim 1.

However, the references do not teach each of plurality of first video data streams include an identifier, and wherein the method further includes the step of comparing each of the identifiers to a stored primary data stream identifier to recognize the primary data stream.

Ho teaches each of plurality of first video data streams include an identifier, and wherein the method further includes the step of comparing each of the identifiers to a

stored primary data stream identifier to recognize the primary data stream **[Col. 5, lines 9-17, Col. 26, lines 6-7 teach virtual stream can be a video stream]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to recognize the primary data stream so that appropriate QoS parameters can be set for the connection **[Col. 5, lines 9-17]**.

Regarding claim 4, Shaffer teaches first video data streams comprise discretely packetized data in real-time **[Col. 6, lines 23-27]**.

However, Shaffer does not teach identifiers comprise information from a stream header included with each packet.

Ho teaches identifiers comprise information from a stream header included with each packet **[Col. 5, lines 10-15]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include identifier in each packet so that QoS parameters associated with the packet can be identified from a plurality of packets **[Col. 5, lines 10-15]**.

Regarding claim 7, Shaffer teaches a method as discussed in rejection of claim 6.

However, Shaffer does not teach each of the packets has a header portion that includes an identifier that identifies the source of the stream.

Ho teaches packets have a header portion that includes an identifier that identifies the source of the stream **[Fig. 5, VSID]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have header portion that identifies the source of the stream so that active streams can be identified **[Col. 5, lines 9-10]**.

Regarding claim 23, the references teach a computer program product as discussed in rejection of claim 21.

However, the references do not teach receiving a primary stream identification command that includes one or more stored primary stream identifiers.

Ho teaches receiving a primary stream identification command that includes one or more stored primary stream identifiers **[Col. 5, lines 9-17]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a primary stream identification command so that appropriate QoS parameters can be set for the connection **[Col. 5, lines 9-17]**.

Regarding claim 24, Ho teaches primary stream identification command can be changed to select a second primary subset after receiving a second primary identity change command **[Col. 5, lines 9-10]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have primary stream identification command so that when new session is started primary user can be identified **[Col. 5, lines 4-9]**.

Regarding claim 26, Shaffer teaches a method for communicating one or more primary video data streams during a virtual meeting **[Fig. 1A]** comprising the steps of: linking a conference interface with a plurality of standard virtual meeting attendees over a network using at least one first port to the standard users **[Fig. 3B, 106 is linked to**

112 and 114]; linking the conference interface with at least one primary meeting attendee over the network using at least one primary port that is different from the at least one first port **[Fig. 3B, 108 is linked to 103 from a LAN Hub with different port]**; receiving a plurality of packet based real-time data streams from each of the plurality of standard meeting attendees with the at least one first port **[Fig. 3A, Col. 5, lines 14-19 describe the data is packetized]**, each of the plurality of real-time data streams containing video data **[Fig. 3A, Video A]**; monitoring the plurality of real-time data streams received from each of the plurality of standard meeting attendees over at least one first port **[Col. 6, lines 26-41]**; communicating the primary stream to the primary meeting attendee using the primary port **[Fig. 3A, Video A is being communicated back to 108 who is primary attendee]**. Keller teaches communication of the primary video stream to at least one primary meeting attendee requires less bandwidth than communication of plurality of first video streams to each of standard users **[Col. 4, lines 49-67, group of users can be selected which will receive set of streams depending on the bandwidth capabilities]**. Jang communicating the plurality of real-time data streams from each of the plurality of standard meeting attendees to all others of the plurality of standard meeting attendees **[Abstract]**.

However, Shaffer does not teach each stream of data has a unique identifier; comparing the unique identifier from each of the plurality of real-time data streams to a stored primary stream identifier, categorizing any of the real-time data streams having an identifier matching the primary identifier as a primary data stream; communicating the plurality of real-time data streams from each of the plurality of standard meeting

attendees to all others of the plurality of standard meeting attendees; and communication of the primary stream to the primary meeting attendee requires less bandwidth than does communication of the plurality of real time data streams to each of the standard users.

Ho teaches each stream of data has a unique identifier **[Col. 5, lines 9-10]**; comparing the unique identifier from each of the plurality of real-time data streams to a stored primary stream identifier, categorizing any of the real-time data streams having an identifier matching the primary identifier as a primary data stream **[Col. 5, lines 9-17]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to recognize the primary data stream so that appropriate QoS parameters can be set for the connection **[Col. 5, lines 9-17]**, communicate the first real-time streaming video and audio signals to all other users so that each of the plurality of users can see each other during conference **[Col. 1, lines 20-24]**, and transmit primary data stream at less bandwidth so that the subset of users can receive data streams according to their bandwidth capabilities **[Col. 5, lines 49-67]**.

5. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Jang et al. (USPN 6,442,758) and Keller et al. (USPN 7,366,780) as applied to claim 1 above, and further in view of Baker (USPN 7,224,382).

Regarding claim 27, the references teach a method as discussed in rejection of claim 1.

However, the references do not teach providing a list to the at least one primary user, the list identifying each of the plurality of first video data streams being communicated between the standard users whereby the primary user may select one or more of the first plurality of streams from the list for viewing as the primary stream.

Baker teaches teach providing a list to the at least one primary user, the list identifying each of the plurality of first video data streams being communicated between the standard users whereby the primary user may select one or more of the first plurality of streams from the list for viewing as the primary stream **[Col. 23, lines 19-26]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select from plurality of streams to view as a primary stream so that users can manually select views **[Col. 11, lines 54-58]**.

Regarding claim 28, Baker teaches list includes video images from each of plurality of first video data streams **[Col. 23, lines 26-30]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include video images so that users can select objects from computer display **[Col. 23, lines 26-30]**.

Regarding claim 29, Baker teaches list includes thumbnail images from each of plurality of first video data streams **[Col. 23, lines 26-30]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include thumbnail images so that users can select objects from computer display **[Col. 23, lines 26-30]**.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,775,247) in view of Jang et al. (USPN 6,442,758) and Keller et al. (USPN 7,366,780) as applied to claim 21 above, and further in view of Baker (USPN 7,224,382).

Regarding claim 32, the references teach a method as discussed in rejection of claim 21.

However, the references do not teach communicating a list of continuous real-time data streams to the one or more primary users, the list including thumbnail images of the real time video data streams whereby the one or more primary users may select the primary subset from the list.

Baker teaches communicating a list of continuous real-time data streams to the one or more primary users, the list including thumbnail images of the real time video data streams whereby the one or more primary users may select the primary subset from the list **[Col. 23, lines 19-30]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select from plurality of streams to view as a primary stream so that users can manually select views **[Col. 11, lines 54-58]**.

Allowable Subject Matter

7. Claim 20, 30, 31 are allowed.
8. The following is an examiner's statement of reasons for allowance: Regarding claim 20, prior art teaches all the features of claim 20 except "communicating the at least one primary video and the at least one primary audio but not the first streaming real-time video or audio data signals to at least one primary user over the network while each of the standard users continue to communicate the first real-time streaming video and audio data signals to all others of the standard users, the at least one primary user connected to the network with a connection having a bandwidth capacity of less than the first bandwidth capacity". This taken with all other limitation of dependent claims is considered novel and non-obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrahas Patel whose telephone number is

(571)270-1211. The examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chandahas Patel/
Examiner, Art Unit 2616

/Frank Duong/
Primary Examiner, Art Unit 2616